

Amendments to the Drawings:

The attached replacement sheet of drawings (sheet 2/4) includes a change to Fig. 3 and replaces the original sheet that includes Fig. 3. Fig. 4a is new and has been added on replacement sheet 3/4.

In Figure 3, section line IVa-IVa has been added..

Attachments following last page of this Amendment:

Replacement Sheets (two pages)  
Annotated Sheet Showing Change(s) (two pages)

### REMARKS

Claims 27-52 were examined in the last Action. In this Amendment, claims 27, 40, 41 and 42 have been amended. Claim 30 has been canceled, without prejudice, leaving claims 27-29 and 31-52 for further examination. Claims 27 and 40 are independent claims. No new matter has been added.

### Specification

The abstract of the disclosure was objected to and has been amended, above. This objection has been overcome by the amendment and should be withdrawn.

The disclosure was objected to because specific claim numbers were mentioned at page 8, line 33. The specification has been amended as suggested in the Action by replacing the paragraph beginning at page 8, line 32, and this objection has also been overcome.

### Drawings

On page 2 of the Action, the drawings were objected to because characters "17" and "12" were both used in the specification to refer to "the second end area" but the drawings did not reflect this. To overcome this objection, Applicant has amended the specification to correct a clerical or typographical error in the paragraph beginning at page 11, line 4, to change character "12" to --17--. The specification now agrees with the original drawings and no drawing amendment is required for this aspect of the drawing objections.

On page 3 of the Action, certain aspects of the claims were referred to and were said to require illustration in the drawings. In order to comply with this requirement, Fig. 3 (sheet 2/4) has been amended to include Section line IVa-IVa. In addition, new Fig. 4a has been added to sheet 3/4. Fig. 4a illustrates the view along line IVa-IVa of Fig. 3. Fig. 4a is supported by the original specification and original claims. For example, see the specification at page 11, lines 4-23, and page 14, lines 11-26. Fig. 4a illustrates the inclination of the base surface 27 from secondary edge zone 12a to edge area 25, that is, the whole extension of the base surface 27. No new matter has been added.

The objection (page 3 of the Action, lines 3-5 from the bottom of the page) also states as follows:

“Furthermore, applicant does not disclose that the central, upper and lower plate planes (13-15) are parallel with the heat exchanger plate. In fact, these planes are in inclined or declined position with the heat exchanger plate.”

Applicant respectfully disagrees and urges that, on the contrary, the application as filed does disclose that the planes are parallel with the heat exchanger plate. The specification, page 10, lines 15-19, states:

“Each heat exchanger plate 1 has in the embodiment disclosed a substantially rectangular basic shape and extends between a primary edge zone 11a and a secondary edge zone 12a in parallel with a central extension plane 13, an upper plate plane 14 and a lower plate plane 15, see Fig. 4.” (emphasis added)

Applicant urges that the indicated objection was erroneously made and should be withdrawn.

In view of the drawing amendments submitted herewith and of the remarks set forth above, the objections to the drawings have been overcome and should be withdrawn.

#### **Claim Rejections – 35 USC § 112**

Claims 41-42 were rejected as being indefinite under 35 U.S.C. 112, second paragraph, for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Certain language in claim 41 was stated to lack sufficient antecedent basis.

In order to overcome this rejection, applicant has amended claim 40 (lines 1-2), claim 41 (line 4) and claim 42 (line 2). It is urged that the rejection has been overcome and should be withdrawn.

**Claim Rejections – 35 USC §§ 102 and 103**

Claims 27-52 were rejected under 35 U.S.C. 102(b) as being anticipated by or, in the alternative, under 35 U.S.C. 103(a) as being obvious over Bergqvist et al. (US Pat. 4,987,955).

The rejections are respectfully traversed.

Independent claims 27 and 40 have been amended (last three lines of each) to include the feature of now-canceled claim 30. It is urged that independent claims 27 and 40 patentably distinguish over the cited reference. As amended, the claims call for the base surface of the plate's distribution area to sink continuously from an upper level in the proximity of the upper plate plane in the proximity of the edge area of the primary porthole to a lower level in the proximity of the lower plate plane in the proximity of the secondary edge zone. Contrary to the rejection made in the Office Action, Bergqvist neither discloses nor suggests at least this feature, and the claimed invention would not have been obvious to one of ordinary skill in the art at the time the invention was made over the Bergqvist reference.

Bergqvist illustrates that the distribution area has a base surface located at a lower level to the right in Fig. 4 than it is to the left in Fig. 4. Therefore, it does not "sink continuously" from the upper plate plane in the proximity of the edge area of the primary porthole to a lower level in the proximity of the lower plate plane in the proximity of the secondary edge zone as called for by the claims. It is urged that neither the Bergqvist specification nor the drawings disclose or suggest at least this feature. The present specification discusses the "sinking continuously" feature, for example, at page 6, lines 7-16.

Applicant's claimed design provides for the plate interspaces between two heat exchanger plates to have an increasing flow area with an increasing distance from the primary porthole forming the inlet of the plate package, as stated at page 5, lines 9-24, of the instant specification. Such an increasing flow area and increasing height of the plate interspace contributes to a uniform distribution of the medium which enters the primary porthole. This advantage is not achieved with the Bergqvist design. It is urged, therefore, that the independent claims (27 and 40) are allowable over the Bergqvist reference for at least this reason.

The remaining claims (28-29, 31-39 and 41-52) all depend directly or indirectly from one or the other of the independent claims and are allowable for at least the same reasons.

**Conclusion**

It is urged that claims 27-29 and 31-52 are allowable for at least the indicated reasons. Prompt issuance of a notice of allowance is therefore urged.

It is believed that all of the pending claims have been addressed. However, the absence of a reply to a specific rejection, issue or comment does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above may not be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment.

Enclosed is a Petition for Extension of Time. Please apply any charges or credits to deposit account 06-1050.

Respectfully submitted,

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